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Glen Van Datta

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EXAMINER

LE, CHAU D

ART UNIT

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2447

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/701,302	DATTA ET AL.	
	Examiner	Art Unit	
	CHAU D. LE	2447	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/25/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

#### DETAILED ACTION

1. Claims 1-26 are pending.

#### *Specification*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- claims 24-26, state "a tangible storage medium" however the specification fails to provide antecedent basis for the term.

The disclosure is objected to because of the following informalities:

- On page 5, the application numbers and filing dates are left blank. The correct application numbers and date should be filled in.

Appropriate correction is required.

#### *Claim Objections*

3. Claim 12 is objected to because of the following informalities: claim 12 should depend from claim 11 not 10 since "said lobby environment" was introduced in claim 11.

Appropriate correction is required.

*Claim Rejections - 35 USC § 101*

4. Claims 24-26 recite "a tangible storage medium" and is interpreted to include media such as EPROM, ROM, tape, floppy disc, hard disk drive, RAM and CD-ROMS and to exclude media such as paper and transmission-type media.

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-15, 17 & 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claim 1, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. The claimed network environment includes a first peer-to-peer relay network, a second peer-to-peer relay network, and at least one peer system in the first network is also in the second network, which can be software and as such, they fail to fall within a statutory category. They are, at best, functional descriptive software per se. Claims 2-15 & 17 are likewise rejected.

With respect to claim 21, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. The claimed peer system includes peer-to-peer relay networks and peer systems, which can be software and as such, they fail to fall within a statutory category. They are, at best, functional descriptive software per se. Claims 22-23 are likewise rejected.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Traversat et al. (US Pub No 2002/0184311 A1).

With respect to claim 18, Traversat teaches a method of relaying data in a peer-to-peer relay network comprising receiving data at a relaying peer system from a sending peer system connected to the relaying peer system in a peer-to-peer relay network (i.e., a peer will receive the message from the sending peers if the sending peers is within the same relay network, or group, Paragraph 0108), selecting a peer-to-

peer relay network corresponding to said received data (i.e., the message scope will dictate and select the corresponding network to relay the message Paragraph 0108), wherein said selected peer-to-peer relay network has a corresponding set of one or more relay rules (i.e., the message scope fields are relaying rules and pipes define the underlining relaying protocols Paragraphs 0097-0100 & 0108), applying said set of one or more relay rules to select zero or more peer systems indicated by said set of one or more relay rules to which to relay said data (i.e., peers receiving the messages will apply the relaying rule and propagate the message based on the rules within the scope indicator Paragraph 0108) and relaying said data to any peer systems selected by applying said set of one or more relay rules (i.e., peers relay the message according to the scope indicator field Paragraph 0108).

With respect to claim 19, Traversat teaches wherein said relaying peer system is in two or more peer-to-peer relay networks (i.e., Figs. 20B-D shows relaying peer systems in a multiple peer-to-peer groups) and said relaying peer system has respective sets of one or more connections to other peer systems for each peer-to-peer relay network to which said relaying peer system belongs (i.e., Figs. 20B-D shows peer systems belonging groups, or relay network, and peers of a group has connections to one another Paragraph 0108 & 0406).

With respect to claim 20, Traversat teaches wherein said relaying peer system stores a respective connection limit and a respective set of one of more relay rules for each peer-to-peer relay network to which said relaying peer system belongs (i.e., peers are connected to other peers, one of which could be a peer router, which stores and

Art Unit: 2447

provide relaying rules and connection limitations Paragraph 0124), a connection limit defines a number of other peer systems up to which a peer system is permitted to connect in that peer-to-peer relay network (i.e., during an Endpoint Advertisements, the peer describe the number of available endpoints, or connections, permitted on the members Paragraph 0301) and a set of one or more relay rules defines how a peer system is to relay data to other peer systems connected to that peer system in that peer-to-peer relay network (i.e., the routing information define how to relay data to other peer systems Paragraph 0124).

The limitation of claims 21 and 24 are rejected in the analysis of claim 18 above, and these claims are rejected on that basis.

The limitation of claims 22 and 25 are rejected in the analysis of claim 19 above, and these claims are rejected on that basis.

The limitation of claims 23 and 26 are rejected in the analysis of claim 20 above, and these claims are rejected on that basis.

### *Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat et al. (US Pub No 2002/0184311 A1) in view of Thomas W. Lynch (US Pat No. 6,487,600 B1).

With respect to claim 1, Traversat teaches a network environment supporting multiple peer-to-peer relay networks (i.e., peer-to-peer platform Paragraph 0019), comprising a first peer-to-peer relay network including N1 peer systems (i.e., peer regions of figs. 20B-D are each in a separate peer systems, or Peer Regions, Paragraph 0310, 0406 & Figs. 20B-D), a second peer-to-peer relay network including N2 peer systems (i.e., a separate peer region shown on Fig. 20B-D), wherein each peer system in said first peer-to-peer relay network is connected to a number of other peer systems in said first peer-to-peer relay network that is less than or equal to a first connection limit (i.e., each peer system, Peer Region 1 or 2, is in a group that is connected to multicast, or relay, messages to other peers and the purpose of creating these groups is to create a limited scope environment limiting connections to within the group Paragraph 0096, 0108 & 0234-0236), each peer system in said first peer-to-peer relay network is configured to relay data to peer systems connected to that peer system according to a first set of one or more relay rules (i.e., messages, including those within Peer Region 1, may carry a special scope field, which contains relay rules, that allow the peers to propagate or relay the messages to other peers Paragraphs 0108), each peer system in said second peer-to-peer relay network is connected to a number of other peer systems in said second peer-to-peer relay network that is less than or equal to a second connection limit (i.e., each peer system, Peer Region 1 or 2, is in a group is



Art Unit: 2447

connected to multicast, or relay, messages to other peers and the purpose of creating these groups is to create a limited scope environment limiting connections to within the group Paragraph 0096, 0108 & 0236), each peer system in said second peer-to-peer relay network is configured to relay data to peer systems connected to that peer system according to a second set of one or more relay rules (i.e., messages, including those within Peer Region 2, may carry a special scope field, which contains relay rules, that allow the peers to propagate the messages to other peers Paragraphs 0108) and at least one peer system in said first peer-to-peer relay network is also in said second peer-to-peer relay network (i.e., the peer-to-peer relay network doesn't limit how many groups, or relay network, a peer can belong to therefore Fig. 20D shows a Peer Group containing members of multiple peer relay network Paragraph 0096 & Fig. 20D).

Traversat does not explicitly disclose said first connection limit is greater than or equal to 2, said first connection limit is less than or equal to  $N1-2$  and said second connection limit is greater than or equal to 2, said second connection limit is less than or equal to  $N2-2$ . However, Lynch teaches said first connection limit is greater than or equal to 2, said first connection limit is less than or equal to  $N1-2$  (i.e., Fig. 7 shows the connection path between the peers are limited to greater than or equal to 2 and less than or equal to  $N-2$ ) and said second connection limit is greater than or equal to 2, said second connection limit is less than or equal to  $N2-2$  (i.e., Fig. 7 shows the connection path between the peers are limited to greater than or equal to 2 and less than or equal to  $N-2$ ) in order to allow peers to communicate with others to exchange data (Col. 2, lines 6-13). Therefore, based on Traversat in view of Lynch, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to utilize the teaching of Lynch to the system of Traversat in order to allow peers to communicate with others to exchange data.

With respect to claim 2, Traversat teaches further comprising a server connected to each peer system (i.e., the peer devices may serve as a client of or a server to any of the other devices therefore it is possible for a peers to serve as server and be connected to other peer systems Paragraph 0018 and peers can also connect to Napster's server system Paragraph 0069).

With respect to claim 3, Traversat discloses the claimed subject matter as discussed above but does not explicitly disclose wherein said first connection limit is the same as said second connection limit. However, Lynch teaches wherein said first connection limit is the same as said second connection limit (i.e., Fig. 7 shows the connection path are limited between peers of a network). Traversat teaches that the peer-to-peer networks, as shown on Fig. 20D, are separate yet has common core functionalities therefore can have the same connection limit (Paragraph 0020-0024). Therefore, the limitations of claim 3 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 4, Traversat teaches wherein said first set of one or more relay rules is different from said second set of one or more relay rules (i.e., the peer-to-peer platform preferably does not mandate how messages are propagated and since there are multiple propagating rules, each peer-to-peer system may have their own rules Paragraph 0107-112).

With respect to claim 5, Traversat teaches wherein all of the peer systems in said second peer-to-peer relay network are also in said first peer-to-peer relay network (i.e., Fig. 20D shows several peers in each region as members of the peer group region however every member of the peer regions could be a part of the peer group Paragraph 0406).

With respect to claim 6, Traversat teaches wherein at least one peer system in said first peer-to-peer relay network is not in said second peer-to-peer relay network (i.e., fig. 20D shows members not in the peer group).

With respect to claim 7, Traversat teaches wherein the peer systems in said first peer-to-peer relay network represent players in an online game (i.e., the peers may include application layer for instant messaging, entertainment content management and delivery, peer-to-peer email systems, distributed auction systems, and many others to include online gaming Paragraph 0022).

With respect to claim 9, Traversat teaches wherein data relayed in said first peer-to-peer relay network is network service data (i.e., the low-level layer provides plumbing services such as peer establishment , communication management and routing, which are network service data Paragraph 0080).

With respect to claim 10, Traversat teaches wherein data relayed in said first peer-to-peer relay network is data for an online environment (i.e., the middle service layer deals with indexing, searching and file sharing which relay data for an online environment Paragraph 0080).

With respect to claim 11, Traversat teaches wherein data relayed in said first peer-to-peer relay network is data for a lobby environment (i.e., the top application layer relay data for auctioning which requires a lobby environment Paragraph 0080).

With respect to claim 12, Traversat teaches wherein data relayed in said second peer-to-peer relay network is data for a chat room in said lobby environment (i.e., the top application layer relay data that also includes services like AIM instant messaging , which includes a chatroom Paragraph 0080 & 0013).

With respect to claim 13, Traversat teaches wherein data relayed in said second peer-to-peer relay network is data for an online game (i.e., data relayed could be data for the top application layer data such as emailing, auctioning, storage systems, file sharing and AIM Instant Messaging, therefore online gaming data can also be relay with the application layer Paragraph 0013 & 0080).

With respect to claim 14, Traversat teaches further comprising a third peer-to-peer relay network including N3 peer systems (i.e., a third peer system is shown on Fig. 20B-D) wherein each peer system in said third peer-to-peer relay network is connected to a number of other peer systems in said third peer-to-peer relay network that is less than or equal to a third connection limit (i.e., each peer system, Peer Region 1, 2 or 3, is in a group connected to relay messages to other peers and the purpose of creating groups is to create a limited scope environment limiting connections to within the group Paragraph 0096, 0108 & 0236), each peer system in said third peer-to-peer relay network is configured to relay data to peer systems connected to that peer system according to a third set of one or more relay rules (i.e., messages, including those of

Art Unit: 2447

Peer Region 3, may carry a special scope field, which contains relay rules that allow the peers to relay the messages to other peers Paragraphs 0108) and at least one peer system in said third peer-to-peer relay network is also in said first peer-to-peer relay network (i.e., the peer-to-peer relay network doesn't limit how many groups, or relay network, a peer can belong to therefore Fig. 20D shows a Peer Group containing members of multiple peer relay network Paragraph 0096 & Fig. 20D). Traversat does not explicitly disclose said third connection limit is greater than or equal to 2, said third connection limit is less than or equal to  $N-2$ . However, Lynch teaches said third connection limit is greater than or equal to 2, said third connection limit is less than or equal to  $N-2$  (i.e., Fig. 7 shows the connection path between the peers are limited to greater than or equal to 2 and less than or equal to  $N-2$ ). Therefore, the limitations of claim 14 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 15, Traversat teaches wherein none of the peer systems in said third peer-to-peer relay network are in said second peer-to-peer relay network (i.e., members of peer region 3 are not in peer region 2 Fig. 20D).

With respect to claim 16, Traversat teaches wherein at least one peer system is a network-enabled game console (i.e., a peer system can be any electronic device with a digital heartbeat such as a consumer electronic, PDA, appliance, and certainly a network-enable game console Paragraph 0079).

With respect to claim 17, Traversat teaches wherein at least two peer systems are connected through the Internet (i.e., the peer-to-peer protocols may be realized over the Internet Paragraph 0118).

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat et al. (US Pub No 2002/0184311 A1) in view of Thomas W. Lynch (US Pat No. 6,487,600 B1), and further in view of Danieli et al. (US Pat No. 7,240,093 B1).

With respect to claim 8, Traversat and Lynch disclose the claimed subject matter as discussed above but does not explicitly disclose wherein the peer systems in said second peer-to-peer relay network represent players in said online game that are on the same team. However, Danieli teaches wherein the peer systems in said second peer-to-peer relay network represent players in said online game that are on the same team (i.e., players, or peers, on the network can form teams to participate in online multi-player games Col. 10, line 62 - Col. 11, line 15) in order to isolate communication channels so that the communication between the members are not overhead by other peers not on the same team (Col. 10, line 62 - Col. 11, line 15). Therefore, based on Traversat in view of Lynch, and further in view of Danieli, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Danieli to the system of Traversat in view of Lynch in order to isolate communication channels so that the communication between the members are not overhead by other peers not on the same team.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pub No. 2003/0217135 A1 by Chatani et al. discloses online session of multiple online users.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAU D. LE whose telephone number is (571) 270-7217. The examiner can normally be reached on Monday to Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James H. Hwang can be reached on (571) 272-4036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2447

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAU D LE/  
Examiner, Art Unit 2447  
02/11/2009

/Joon H. Hwang/  
Supervisory Patent Examiner, Art Unit 2447